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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 RICHARD C. RODOLF, ) CASE NO.: C08-0475-RSL  
09 Plaintiff, )  
10 v. ) ORDER GRANTING DEFENDANTS'  
11 CHRISTOPHER KIELAND, et al., ) MOTION FOR SUMMARY  
12 Defendants. ) JUDGMENT IN PART AND  
13 ) DENYING IN PART

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14 The Court, having reviewed defendants' motion for summary judgment (Dkt. 37),  
15 plaintiff's opposition response thereto (Dkt. 44), defendants' reply (Dkt. 45), the Report and  
16 Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining  
17 record, does hereby find and Order:

- 18 (1) The Court adopts the Report and Recommendation;
- 19 (2) Defendants' motion for summary judgment (Dkt. 37) is GRANTED as to Deputies  
20 David Mann and Gregory Martinez, and DENIED as to defendants Kieland, Micic,  
21 and Connelly; and,
- 22 (3) The Clerk is directed to send copies of this Order to plaintiff, to counsel for

01 defendants, and to Judge Theiler.

02 DATED this 13<sup>th</sup> day of May, 2009.

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06 ROBERT S. LASNIK

07 United States District Judge  
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